

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Samuel M. BABB et al. Confirmation No.: 6460
Application Serial No.: 10/650,028
Filed: August 27, 2003
Title: SYSTEM AND METHOD, AND COMPUTER-READABLE MEDIUM
FOR REDUCTION OF COMMUTATION-RELATED ACOUSTIC
NOISE IN A FAN SYSTEM

Group Art Unit: 2837
Examiner: Duda, Rina I.

Docket No.: 200309579-1

Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

The final Office Action mailed October 10, 2006 has been carefully considered. Claims 1-26 remain pending. Please consider the following remarks.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. §1.8(A))

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REMARKS

I. Applicants' Declaration under 37 C.F.R. §1.131 is Effective

In the Office Action mailed October 10, 2006 ("Office Action"), the Examiner indicates that the Declaration filed on July 14, 2006, was considered but failed to prove conception of the invention prior to April 30, 2003, the purported effective date of U.S. Patent No. 6,972,539 issued to Codilian et al. (hereinafter "*Codilian*"), which was used for a 35 U.S.C. § 102(e) rejection of Claims 1-5, 7 and 9-25. The Examiner maintained the rejection over *Codilian*. Applicants respectfully traverse.

Applicants respectfully refer at least to Exhibit A of the above-referenced Declaration which is an invention disclosure document clearly evidencing conception and possession of the inventive subject matter. For example, at least page 3 of Exhibit A includes an explanation of the subject matter of the claims of the present Application. Specifically, for example, block A on page 3 of Exhibit A recites:

the timing of the commutation event is predicted and the drive to the fan motor modulated to reduce the impulse in the generated torque modulation. This may be accomplished by many means, but the easiest is to simply reduce the drive to the motor during the commutation event. This drive reduction may take the form of smoothly adjusting the voltage supplied to the motor, or smoothly adjusting the duty cycle of a pulse width modulated drive

Applicants respectfully submit that at least Exhibit A clearly evidences conception and possession of the subject matter of the claims of the present Application. Further, Applicants conceived and had possession of the subject matter of the claims of the present Application prior to April 30, 2003. For example, as shown on page 1 of the Declaration, the above-cited invention disclosure document "was received by the Legal-intellectual Property department of Hewlett-Packard Company on a date prior to April 30, 2003."

Applicants submit that the July 14, 2006, Declaration and accompanying exhibits clearly establishes conception and possession of the invention prior to the date of *Codilian* and due diligence from prior to the date of *Codilian* to the filing of the present Application and, therefore, *Codilian* is not a proper 35 U.S.C. §102(e) reference. Accordingly, Applicants respectfully request that *Codilian* be withdrawn as a reference and that Claims 1-5, 7 and 9-25 be allowed.

II. Rejections under 35 U.S.C. §102 is Improper

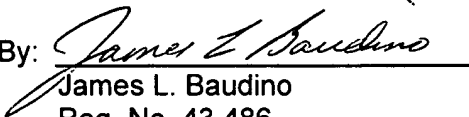
The Examiner indicated that claims 1-5, 7 and 9-25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Codilian*, and that claims 6, 8 and 26 appear to be objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of base claim and any intervening claims. Applicants respectfully traverse the rejection.

Specifically, Applicants respectfully maintain that *Codilian* does not qualify as a prior art reference and, therefore, no rejection of Claims 1-5, 7 and 9-25 has been made. Moreover, because *Codilian* does not qualify as a prior art reference against Claims 1 and 24, Applicants respectfully submit that the objection to Claims 6, 8 and 26 (that depend respectively from Claims 1 and 24) is improper and should be withdrawn. Accordingly, Applicants respectfully request that the 35 U.S.C. § 102(e) rejection be withdrawn and Claims 1-26 allowed.

CONCLUSION

Accompanying this Request is a Notice of Appeal pursuant to 37 C.F.R. 41.31. The Commissioner is hereby authorized to charge the sum of \$500.00 for the Notice of Appeal to Deposit Account No. 08-2025 of Hewlett-Packard Company. No further fee is believed due with this Request. If, however, Applicant has overlooked the need for any other fee due with this Request, the Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this Response to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

By: 
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Date: January 9, 2007

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